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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,097	10/19/2001	Jonathan Wu	P1317	7691

				EXAMINER
24739	7590	09/26/2006		BOUTAH, ALINA A

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ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 June 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>12-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>12-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed June 26, 2006. Claims 1-11

and 24-35 have been cancelled. Claims 12-23 are pending in the present application.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on June 26, 2006 has been entered.

Specification

The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 12-17 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lavian in view of Bharat.

As per claim 12, Lavian teaches a distributed application server system for enabling the

client device to interact with an information and presence service (Figure 3) comprising a data-

interpretation module for interpreting data sent to the device from the client service and creating

an object model from instructions embedded in the data, such that a runtime engine executes

software to display module data on the client device as characterized by function attributes of the

end device (Column 3, Lines 40 – 49; Column 4, Lines 2 - 8).

However, Lavian does not explicitly teach that a user controlling the device may control

how the data is rendered in conjunction with the display and function attributes of the device

through creation of unique query applications used by the device in requesting the data.

Nonetheless, this feature is taught by an analogous art, Bharat in col. 8, lines 53-67. At the time

the invention was made, one of ordinary skill in the art would have been motivated to employ

unique query applications in requesting data in order to allow user to dynamically change the

way data is presented, therefore enhancing the system's efficiency.

As per claim 13 Lavian, teaches the distributed application server system as described

above wherein the network is the Internet network (Column 6, Lines 38 - 42; Figure 10, #1013).

As per claims 14 and 15, Lavian teaches the distributed application server system as

described above wherein message data is propagated between the service and the client device

using query applications and response formats developed by the client to execute logic

instructions on the client side ((Java application environment) Column 3, Lines 31 - 35: Column

4, Lines 2 - 8).

As per claims 16, 21 and 22, Lavian teaches the distributed application server system as

described above wherein the web browser software communicates through a variety of protocols

(HTTP, SOAP), such that the query applications are developed using markup languages and

embedded script languages (software applets) to send and receive data [comparable markup

languages {e.g. XML, HTML, compact} are standard languages of the internet] (Column 5,

Lines 25 - 30, Figure 4, # 401).

As per claim 17, Lavian teaches the distributed application server system as described

above wherein the query applications contain differing logic instructions developed to render

response data differently according to different data sources (Column 4, Lines 2 - 8.)

As per claim 19, Lavian teaches the distributed application server system as described

above wherein the second version' of software is a distributed server application having full Web

browser functionality (Column 5, Lines 25 - 30).

As per claim 20, Lavian teaches the distributed application server system as described

above wherein the logic instructions are Javascript and the object model is an executable

Javascript object (Column 4, Lines 31 - 36).

As per claim 23, Lavian teaches the distributed application server system as described above wherein the data-interpretation module (Java Virtual Machine) interprets and executes the instruction code on the end platform (Column 3, Lines 40 – 47, Column 4, Lines 26 - 28).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lavian and Bharat in view of Gerszberg et al. (USPN 6,044,403).

With respect to claims 18, Lavian teaches a networked-based system for routing data between browser-based clients with access to the network and networked devices comprising a router connected to the network for establishing routes between the client and devices (Column 2, Lines 45 - 49, Figures 3 and 4) but fails to specifically teach a process wherein at least one client device is a mobile device connected to the network through a wireless network. However, Gerszberg discloses a similar network server architecture that transmits data over the internet (Column 20, Lines 40 - 42) whereby the system supports wireless voice mobility (Column 17, Lines 60 - 67).

Therefore, it would have been obvious to 'one having ordinary skill in the art having the teachings of Lavian and Gerszberg before one at the time of the invention to teach Lavian's method of computer networking such that browser software communicates with a router (network switch) to transmit data to the application server (Column 5, Lines 25 – 30; Figure 4), and to include Gerszberg's method of wireless access to the network. The combination would provide increased internet-accessible functionality, while maintaining optimal client-server based performance.

Response to Arguments

Applicant's arguments with respect to claims 12-23 have been considered but are moot in view of the new ground(s) of rejection.
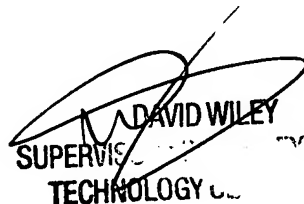
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DAVID WILEY
SUPERVISORY EXAMINER
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